UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION)))	MDL No. 1:13-md-2419-RWZ
THIS DOCUMENT RELATES TO:)	
Case No. 1:14-cv-13509-RWZ)	

MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM

Petitioner Tosha Andrews, Administrator of the Estate of Sara D. Culp, a/k/a/ Sara D. Andrews, deceased, hereby moves the court for the appointment of a Guardian *ad litem*, and in support thereof states the following:

- 1. Petitioner filed her Petition for Approval of Compromise Settlement of Virginia Wrongful Death Claim Pursuant to Va. Code § 8.01-55 ("Petition"), on June 30, 2015.
- 2. Virginia law establishes the criteria for identifying the statutory beneficiaries of claims for wrongful death. *See* Va. Code § 8.01-53.
- 3. Among the statutory beneficiaries of the Estate of the decedent in this case is Mr. Rodney Andrews ("Mr. Andrews"), a grandson of the decedent whose parent, a child of the decedent, has also deceased.
- 4. Mr. Andrews is a person under a disability, as defined in Va. Code § 8.01-2, because he is currently incarcerated due to a conviction for a felony offense.
- 5. Accordingly the plaintiff seeks to appoint a Guardian *ad litem* to represent Mr. Andrews' interests in the matter of the Petition.
- 6. John D. Eure is a discrete and competent attorney with the law firm Johnson Ayers & Matthews PLC, located in Roanoke, Virginia. Mr. Eure is duly qualified under Virginia

law to serve as Guardian *ad litem* for incapacitated adults, and consents to his appointment as Guardian *ad litem* for Mr. Reynolds in the matter of the Petition.

7. Counsel for the respondents, Insight Health Corp., Image Guided Pain Management, P.C., John M. Mathis, M.D. and Robert F. O'Brien, M.D., consent to this appointment and entry of the attached order.

WHEREFORE, Petitioner Tosha Andrews, Administrator of the Estate of Sara D. Culp, a/k/a Sara D. Andrews, deceased, hereby moves the court to enter the attached order appointing John D. Eure as Guardian ad litem for Rodney Andrews in the matter of her Petition for Approval of Compromise Settlement of Virginia Wrongful Death Claim Pursuant to Va. Code § 8.01-55.

Date: July 1, 2015 Respectfully Submitted

By: /s/ Patrick T. Fennell
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CERTIFICATE OF SERVICE

I certify that, on July 1, 2015, this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and will be delivered to the following via electronic mail and hand delivery:

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By: /s/ Patrick T. Fennell

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